

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
Monday, November 15, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on November 15, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Allison Gregory, R.N., F.N. P.
Joyce A. Hahn, Ph.D, APRN, NEA-BC
Louise Hartz, Citizen Member
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director (joined later)
Amy Davis, Executive Assistant
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Rachel J. Baer, Assistant Attorney General (observing)
Nursing students from Prince William County Public Schools, John Tyler Community College, Valley Technical Center, Bon Secours Memorial Hospital and Fortis College.

**ESTABLISHMENT OF
A QUORUM:**

With seven members of the Board present, a quorum was established.

FORMAL HEARINGS:

Kimberly Lafever, L.P.N. Reinstatement Applicant 0002-066131

Ms. Lafever appeared, accompanied by her sponsee and friend, Jessica Moreno.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Dawn France, Case Manager, Health Practitioners Monitoring Program and Jessica Moreno were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:40 A.M., for the purpose of

deliberation to reach a decision in the matter of Ms. Lefever. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Blanton, Ms. Baer and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:57 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Dr. Hahn moved that the Board of Nursing reinstate the practical nursing license of Kimberly Lafever with a status of valid in Virginia only. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:07 A.M.

RECONVENTION: The Board reconvened at 10:24 A.M.

FORMAL HEARINGS: **Lisa M. Like, C.N.A. 1401-109018**
Ms. Like appeared.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Kim Martin, RN., LNP, Senior Investigator, Department of Health Professions; and Patricia Furniss, L.P.N., Arcadia Nursing Home were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:50 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Like. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Blanton, Ms. Baer and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:06 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried. Ms. Lindsay, Mr. Horn, Ms. Hartz, Ms. Gregory, Dr. Hahn, Ms. Jones-Clarke were in favor of the motion. Ms. Lane opposed the motion.

ACTION:

Ms. Hartz moved that the Board of Nursing issue an order of reprimand to Lisa Like. The motion was seconded and carried. Ms. Lindsay, Mr. Horn, Ms. Hartz, Ms. Gregory, Dr. Hahn, Ms. Jones-Clarke were in favor of the motion. Ms. Lane opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Deborah C. England, C.N.A. 1401-015703

Ms. England did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions and Kristin Hepler, L.P.N., Shenandoah Nursing Home were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:57 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. England. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Ms. Blanton, Ms. Baer and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:15 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board. The motion was seconded and carried. Ms. Lindsay, Mr. Horn, Ms. Hartz, Ms. Gregory and Dr. Hahn were in favor of the motion. Ms. Jones-Clarke and Ms. Lane opposed the motion.

ACTION:

Mr. Horn moved that the Board of Nursing revoke the right to renew the nurse aide certificate of Deborah England and enter a finding of abuse into the nurse aide registry. Ms. Lindsay, Mr. Horn, Ms. Hartz, Ms. Gregory and Dr. Hahn were in favor of the motion. Ms. Jones-Clarke and Ms. Lane opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 12:17 P.M.

RECONVENTION:

The Board reconvened at 1:10 P.M.

Ms. Mitchell joined the meeting, Ms. Power left the meeting.

FORMAL HEARINGS:

Rhonda L. Payton, C.N.A. 1401-093967

Ms. Payton did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Leigh Kammerer, Intake Coordinator, Health Practitioners Monitoring Program; Kelly Ashley, Senior Investigator, Department of Health Professions; Elizabeth Friske, R.N., Nurse Manager, Children's Hospital of the Kings Daughter were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Payton. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Davis, Ms. Blanton, Ms. Baer and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:45 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried. Ms. Lane, Ms. Gregory, Dr. Hahn, Ms. Lindsay, Mr. Horn and Ms. Hartz were in favor of the motion. Ms. Jones-Clarke opposed the motion.

ACTION: Ms. Lane moved that the Board of Nursing revoke the right to renew the nurse aide certificate of Rhonda Payton. The motion was seconded and carried. Ms. Lane, Ms. Gregory, Dr. Hahn, Ms. Lindsay, Mr. Horn and Ms. Hartz were in favor of the motion. Ms. Jones-Clarke opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:46 P.M.

RECONVENTION: The Board reconvened at 1:56 P.M.

FORMAL HEARINGS: **Robyn Saavedra, R.N. 0001-158045**
Ms. Saavedra appeared, represented by attorney, James Kane.

James Rutkowski, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Charlotte Hudson, RN, Senior Investigator, Department of Health Professions; Ron Toney, M.D., Medical Director, Powhatan Correctional Center; Mark Amonette, M.D., Department of Corrections; Larry Halsey, R.N., former Nurse Manager, Powhatan Correctional Center were present and testified.

RECESS: The Board recessed at 3:40 P.M.

RECONVENTION: The Board reconvened at 3:50 P.M. and continued with witness testimonies.

Jerome Smith, M.D. and Rockfellow Eades, L.P.N. were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:07 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Saavedra. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Davis, Ms. Blanton, Ms. Baer and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:30 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing issue an order of reprimand to Robyn Saavedra and indefinitely suspend the professional nursing license of Ms. Saavedra, but stay said suspension contingent upon verification of entry into the Health Practitioners Monitoring Program and continued compliance with the Health Practitioners Monitoring Program thereafter.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:36 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director